

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JOSHUA BROOKS,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:24-cv-00097-MTS
)	
SERTA SIMMONS BEDDING, LLC,)	
)	
Defendant.)	

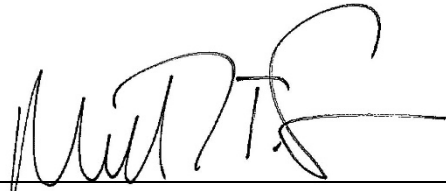
MEMORANDUM AND ORDER

This religious discrimination and retaliation action is before the Court on Defendant’s Motion to Dismiss Plaintiff’s First Amended Complaint for failure to state a claim upon which relief can be granted. *See* Doc. [19]; *see also* Fed. R. Civ. P. 12(b)(6). After a complete review of the briefing on the Motion, and after considering the proper standard of review, the Court concludes that Plaintiff’s First Amended Complaint states a plausible claim for relief on both counts. *See Lustgraaf v. Behrens*, 619 F.3d 867, 872–73 (8th Cir. 2010) (motion to dismiss for failure to state a claim standard); *see also Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009) (“[A] complaint that states a plausible claim for relief survives a motion to dismiss.”); *Wilson v. Ark. Dep’t of Hum. Servs.*, 850 F.3d 368, 372 (8th Cir. 2017) (“‘[I]t is not appropriate to require a plaintiff to plead facts establishing a prima facie case’ under *McDonnell Douglas*.” (quoting *Swierkiewicz v. Sorema N.A.*, 534 U.S. 506, 511 (2002))).

Accordingly,

IT IS HEREBY ORDERED that Defendant's Motion to Dismiss Plaintiff's First Amended Complaint, Doc. [19], is **DENIED**.

Dated this 4th day of June 2024.



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE